FINAL DECISION DOCUMENTATION

and

FINDING OF NO SIGNIFICANT IMPACT

for

Scoggins Creek Density Management Thinning and Watershed Restoration Project

Environmental Assessment Number OR-086-02-01

USDI - Bureau of Land Management
Oregon State Office
Salem District
Tillamook Resource Area
Washington County, Oregon

BACKGROUND

On June 22, 2000, an IDT (interdisciplinary team) was formulated to analyze a proposal to conduct a density management thinning, watershed restoration project, and wildlife habitat enhancement project in lands managed by the Tillamook Resource Area, Salem District, BLM (Bureau of Land Management). This decision document and FONSI applies only to the density management thinning and watershed restoration project. The density management thinning is expected to occur on approximately 470[1] acres, which will occur in two timber sales. The first, called the Scoggins Creek timber sale will be 467 acres. It will consist of 10 proposed treatment units that all contain relatively dense and uniform Douglas-fir stands that range in age from 35 to 60 years old. These treatment units and the watershed restoration project are located in Township 1 South, Range 5 West, sections 3, 5, 9 and 15 Willamette Meridian. The second, called the Tuttle Creek Timber Sale will be 3 acres. It will consist of 1 proposed unit, that contains dense, 47 year old Douglas-fir. It is located in Township 1 South, Range 5 West, section 8 Willamette Meridian. In response to this action an environmental analysis was conducted and documented in an EA[2] (environmental assessment) number OR -086-02-01, dated December 18, 2001. Addendum 1 contains the public comments received to EA OR-086-02-01

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[1] Approximately 75% of the project area is located within the AMA (Adaptive Management Area) land use allocation, as identified in the RMP (Salem District Record of Decision and Resource Management Plan), dated May, 1995. The other 25% of the project area is located within the Riparian Reserve land use allocation within the AMA. During the layout phase of the project, the actual acreage to be treated was reduced from 526 acres to 470 acres (refer to the "Decision" section of this document).

[2] Environmental Assessment Number OR-086-02-01, dated December 18, 2001, contains the environmental analysis conducted for two projects, Scoggins Creek Density Management Thinning and Watershed Restoration Project and the Wildlife Habitat Enhancement Project. A decision is expected to be issued in October, 2002 for the Wildlife Habitat Enhancement Project and culvert replacement.

and the BLM response.

A copy of the EA can be obtained from the Tillamook Field Office, 4610 Third Street, Tillamook, Oregon 97141. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

The decision to be made by the Tillamook Field Manager is whether or not to prepare an environmental impact statement, and whether to approve the density management thinning and watershed restoration project as proposed, not at all, or to some other extent.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the WA *(Upper Tualatin-Scoggins Watershed Analysis)*, dated February 2000; LSRA (*Late-Successional Reserve Assessment for Oregon's Northern Coast Range Adaptive Management Area*), dated January 1998; and the AMA Guide (*Northern Coast Range Adaptive Management Area Guide*), dated January, 1997; as well as the management direction contained in the RMP (*Salem District Resource Management Plan*), dated May, 1995; I have decided to implement the density management thinning and watershed restoration project described in Alternative 2 with six minor modifications[3]. The modifications are minor and do not change the scope of the project analyzed in EA number OR-086-02-01, nor do these modifications affect the adequacy of the analysis contained in the EA. Hereafter, Alternative 2 is referred to as the "selected alternative."

Modifications:

1. Following the issuing of the Preliminary Decision and FONSI, and after the "layout phase" of the project was completed, the total project acres were reduced by approximately 56 acres. The EA predicted that density management would occur on 526 acres, this number has been reduced to 470 acres. Because of this reduction, it is anticipated that the impacts from this project will be similar, but slightly less than what is described in EA No. OR-086-02-01. The expected volume produced will be approximately 6 million board feet.

2. Because the Resource Area decided to implement the Scoggins Creek timber sale using a "Designation by Description" contract, it will not be feasible to implement the following actions[4] in the Scoggins Creek timber sale:

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[3] The modifications are primarily a result of site-specific field conditions encountered by BLM staff during pre-sale activities. These modifications are considered to be minor and are within the scope of the environmental analysis contained in EA OR-086-02-01, dated December 18, 2001.

[4] The reasons for using a Designation by Description contract are detailed on page 10 of this decision. Adequate snag levels are anticipated, based on the fact that they are contractually reserved from cutting, and the project will be creating 318 new snags. The effects disclosed in Chapter 4 of the EA are the same without these three actions. Furthermore, the selected alternative remains consistent with the Salem RMP, the Northwest Forest Plan, and the Programmatic Consultation for North Coast Province for FY2001 Routine Habitat Modification

A. AMA Learning Objectives #1 and #2 at this time, as described on pages 77-79 of the EA.

B. Surround existing large snags (greater than 18"dbh) or other snags being actively used by wildlife with two or more leave trees to protect them from logging damage.

C. Reserve two to three larger-diameter Douglas-fir trees spaced eight (8) feet or less apart at the rate of approximately *four* such "groups" per acre where they occur. At a future date, one of these trees could potentially be converted into a snag, thus creating a "protected" snag for use by wildlife.

3. The Scoggins Creek timber sale and watershed restoration project will not be implemented before June 2002, rather than May 2002. The Tuttle Creek timber sale will not be implemented before September 2002.

4. Following the issuing of the Preliminary Decision and FONSI, and after the "layout phase" of the project was completed, the actual amount of road construction, reconstruction and decommissioning is slightly different than described in the EA on page 18[5]. The EA states that approximately 3.9 miles of new road will be constructed, the actual number is 3.4 miles. The EA states that approximately 2.3 miles of road will be reconstructed, the actual number is 2.8. The EA states that approximately 2000 feet of road would be reconstructed and not decommissioned, actually all of the new road construction, and all of the road reconstruction will be temporary, natural surfaced road, and will be decommissioned at the completion of the project. The EA states that the decrease in road density at project completion will be approximately 3.4 miles, actually the decrease will be 2.8 miles.

5. To reduce the impacts on salmonids in Lee Creek, the time of year in which hauling can occur along the Old Railroad Grade to Stimson mainline and along the Sain Creek Road will be restricted to June 1 to September 30. If there is no visible increase in turbidity in any drainage facility or on the road surface before or after this period, than hauling can continue before or after these dates, on a week-by-week extension.

6. The *Buxbaumia viridis* site in section 3 will no longer be protected. BLM-IM No. 2002-064 dated June 14, 2002, instructs that *Buxbaumia viridis* has been delisted.

The selected alternative consists of :

Projects [FWS reference 1-7-00-F-649] as extended August 1, 2001, [FWS reference 1-7-01-F-1032].

[5] The modifications are primarily a result of site-specific field conditions encountered by BLM staff during pre-sale activities. These modifications are considered to be minor and are within the scope of the environmental analysis contained in EA OR-086-02-01, dated December 18, 2001.

1. Conduct a density management thinning of 470 acres of relatively dense and uniform Douglas-fir stands that range in age from 35 to 60 years old. These treatment units are located in Township 1 South, Range 5 West, sections 1, 3, 5, 8, 9 and 15, Willamette Meridian. The project will occur within 11 treatment units and ground-based and cable logging methods will be utilized. The density management thinning in the Scoggins Creek timber sale will not occur sooner than August 2002. The density management thinning in the Tuttle Creek timber sale will not occur sooner than September 2002.

2. The stands to be thinned currently have a stocking level ranging from 142 to 440 trees per acre with a quadratic mean diameter of 9.8 to 16.1 inches. The density management treatment is anticipated to result in a stocking level from 87 to 142 trees per acre with a quadratic mean diameter of 13 to 17.3 inches.

3. Create 318 snags in four units in sections 3 and 9 of the Scoggins Creek timber sale that are currently deficient in wildlife habitat.

4. Approximately 3.4 miles of new road will be constructed. In addition, approximately 2.8 miles of road will be reconstructed. All of the new road construction, and all of the road reconstruction will be temporary, natural surfaced road, and will be decomissioned at the completion of the project. The net decrease in road density at project completion will be approximately 2.8 miles. Two- 18" culverts on an ephemeral stream on the BLM 1-5-3.1 road will be removed.

5. Trees greater than or equal to 20 inches diameter at breast height (dbh) will not be selected for removal, *regardless* of the basal area level in a particular area. It is recognized that occasional larger-diameter trees may have to be cut to create skyline corridors, skid roads, or landing areas, but reasonable effort will be made to not put skyline corridors through areas with larger diameter trees.

6. A minimum 50 feet “no-cut” buffer will occur along both sides of non-fish bearing streams and a minimum 100 foot “no-cut” buffer along both sides of fish- bearing streams and wetlands less than one acre. If there are steep inner gorges present, these can be used to define “no-cut” buffers as long as the minimum widths are maintained.

7. Reserve all hardwood trees.

8. Retain existing western hemlock, western red cedar, and grand fir advance regeneration.

9. Where possible, protect and retain green trees with characteristics desirable to wildlife (broken or forked tops, hollow cavities, large limbs).

10. Well-defined root disease pockets more than ¼-acre (generally those exceeding ½-acre) may be reforested with disease-tolerant conifers such as western red cedar, or hardwoods such as bigleaf maple (all hardwoods are immune to *P. weirii* root rot).

11. Planted trees may be tubed for animal damage.

12. To take advantage of the more open stand conditions created where cable yarding corridors converge near the landings, the area within a 100-foot radius downhill of the landings will be planted with shade-tolerant conifer seedlings such as western red cedar, grand fir, and/or western hemlock.

13. All natural surface roads will be seeded with a native grass species. Additional soil stabilization work consisting of seeding may be required at the option of the Authorized Officer. If determined to be appropriate, subsoiled roads can be planted with red alder seedlings (1-0 bare root or one-year-old containerized planting stock) to supplement natural alder regeneration.

14. Any prescribed burning of slash at roads and landings will adhere to smoke management/air quality standards.

15. All burning will be conducted in compliance with the Oregon Sate Implementation Plan Oregon Smoke Management Plan as administered by the Oregon Department of Forestry.

16. Landings piles will be located as far as possible from green trees to minimize damage.

17. Hand piles will be covered to facilitate the consumption of fuels during the high moisture fall/winter burning periods.

18. Implement AMA learning objectives #3, #4 and #5 as described in Chapter 5 of the EA.

19. Retain existing coarse woody debris to the extent possible (includes down wood and snags).

20. Any snags that are cut or are knocked over during logging will be left on site for coarse wood enhancement.

21. A combination of coarse woody debris strategies # 2 and 3 outlined in the LSRA will be employed, focusing on maintaining live tree stocking levels which result in growing larger trees rapidly. Create 2 snags (or snag-topped living trees) and 1 down log per acre from average or larger-sized leave trees in the low-density patches in unit 9-1, and 2 snags (or snag-topped living trees) per acre from average or larger-sized leave trees in unit 3-2.

22. In constructed skyline corridors that are at least 500 feet in slope length, two of the largest diameter trees that are over 18 inches will be left on site for coarse wood enhancement.

23. On road P. 3.3 the three trees marked with white paint in the ROW shall be felled and left on site.

24. In the near-term and in future supplementation of existing down wood levels, to reduce the probability of Douglas-fir beetle-related mortality in the residual stands: (1) do not

add more than three fresh Douglas-fir logs per acre greater than 12 inches in diameter in a three-year period and (2) fell trees between July and the end of September.

25. In areas to be logged with ground-based equipment, use existing skid roads to the extent possible to reduce the potential soil impacts by concentrating them on areas that have already been impacted.

26. Confine ground-based activities to designated skid trails. These skid trails will be approximately 12 feet in width and 150 feet apart.

27. Ground-based logging will occur only during periods of low-soil moisture (normally July through October)

28. Do not subsoil skid roads used in the ground-based logging areas because of concerns for root damage to the residual trees.

29. Felling and yarding operations will be restricted during the peak bark-slip period (generally May 1 to July 15) if excessive leave tree damage occurs, as determined by the Authorized Officer.

30. New skid trails and ground-based equipment will generally be prohibited within RR. It is anticipated that trees cut in RR will be winched to existing roads or to locations outside of the RR.

31. The purchaser may elect to cut and yard by a harvester/forwarder type equipment provided that the following measures are met:

    a. Except for manually felled trees which exceed the harvester capability, timber will be felled, limbed, bucked, and pre-bunched by a self-propelled, mechanical, track-mounted or rubber-tired harvester with a minimum boom reach of 27 feet using a single grip rotating harvesting head. The harvester will have a ground pressure rating of 6 psi (pounds per square inch) or less.

    b. The forwarder will be all wheel drive, capable of self-loading and unloading, and have rear tires or track type devices greater than 18 inches in overall width. Log forwarders with GVWs (Gross Vehicle Weight) greater than 15,000 pounds will have a minimum of three load-bearing axles.

    c. Forwarding operations will be restricted to trails approved by the Authorized Officer. Generally, forwarding trails will not exceed 15 feet in total width, and will be no closer than 100 feet, center to center, where parallel trails are used. The location of the harvester trails will be marked on the ground with flagging by the Purchaser and approved in writing by the Authorized Officer prior to felling and yarding operations.

    d. Harvester roads will generally not exceed 15 feet in width, nor be spaced less

than 50 feet apart from center to center.

e. To minimize compaction and displacement, equipment will be confined to existing skid trails and roads as much as possible, minimize the number of forwarder passes, and the created slash from limbing and bucking will be placed onto the skid trails for the harvester and forwarder to walk on.

f. Yarding will be done with equipment capable of lifting and carrying logs fully suspended off the ground.

g. Log landings and transfer points will be limited to existing roads and turnouts, unless otherwise agreed to by the Authorized Officer.

32. Cable yarding operations will be conducted in such a manner as to assure that associated impacts will not exceed those allowed under the Best Management Practices identified in the Salem RMP (Appendix C-1 and C-2).

33. All logs will be fully suspended over streams and for 25 feet on either side over the adjacent banks.

34. The skyline corridors will be placed no closer than 150 feet apart at one end and the maximum average width will be 12 feet.

35. The number of landings and their size will be kept to a minimum required to reasonably harvest the units. Landings will be located by the purchaser and approved by the BLM.

36. Hand water bar cable yarding corridors immediately after use where extensive gouging occurs as determined by the Authorized Officer.

37. Where possible, retain unmerchantable tops and limbs within the treated stands. Trees intended to be retained for down woody debris will be felled contour to slope where possible.

38. Restrict yarding in riparian areas to corridors that are perpendicular to streams (or as close as possible to 90 degrees) in order to avoid adverse impacts to water courses (e.g. increased stream temperature, increased risk of sedimentation).

39. All BLM roads will only be used for log hauling during periods of low soil moisture.

40. Hauling will cease during periods of extremely wet weather or when road activities result in a visible increase in turbidity in any drainage facility or road surface that drains into a watercourse, and can not be easily abated, as determined by the Authorized Officer.

41. Log lengths will be limited to 40 feet plus trim to reduce damage to the reserved trees during yarding operations. If determined necessary by the Authorized Officer, log lengths will be reduced on specific corridors to achieve full-suspension over water courses.

42. Waste hazardous material will be handled in accordance with Section 25, 26, and 27 of the timber sale contract (BLM Form 5450-3). In summary, these sections address watershed protection including water quality, erosion control and soil damage; refuse control and disposition of waste materials; and the proper storage and handling of hazardous materials.

43. No potentially suitable murrelet nest trees will be felled as a part of the Scoggins Creek project and where possible, no openings will be created within one tree length surrounding a potential murrelet nest tree.

44. Any newly discovered (as per the Pacific Seabird Group Marbled Murrelet Technical Committee protocol) Marbled Murrelet sites will be protected by a 0.5 mile radius buffer on all contiguous existing and recruitment federal habitat.

45. Prior to entering the sale area each work season, or before returning to the watershed after leaving it, any heavy machinery (with the exception of log trucks and pick-up trucks used for daily personnel travel) will have all dirt and adhering vegetation cleaned from it to prevent the spread of noxious and/or invasive weeds.

46. A no disturbance buffer is placed around all *Peltigera pacifica* sites. No trees shall be felled into or dragged through any no disturbance buffer zone.

47. New temporary roads will be located outside of Riparian Reserves.

48. All activities associated with road construction, reconstruction, decomissioning and culvert removal will be done during periods of low soil moisture as determined by the Authorized officer.

ALTERNATIVES CONSIDERED

In addition to the "proposed action" alternative and the procedurally required "no action"alternative, the IDT formulated one additional action alternative to the density management thinning project to address the soil issue raised during scoping. A description of the alternative development process and a complete description of the alternatives analyzed in detail are contained in the EA, pp. 8-24.

REASONS FOR THE DECISION

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the WA, LSRA and AMA Guide, and the management direction contained in the RMP, I have decided to implement the selected alternative as described above. My rationale for this decision follows:

1. The selected alternative addresses the identified purpose and need for action in that it will accelerate the development of some late-successional forest structural features and enhance the

overall level of diversity in the area (EA, Chapter 4 and Appendix 2 and 7). Also, the selected alternative provides social and economic benefits to local communities through the supply of approximately 6 million board feet of merchantable timber to local mills.

2. The "no action" alternative was not selected because it does not address the purpose and need for action in that the stand development would continue to slow over the next 30 years. Specifically, under the "no action" alternative the level of competition among trees would be high, crown development (crown length and branch growth) would decrease, diameter growth would decline, competition-related mortality would increase, coarse woody debris additions would mostly be from smaller trees that slowly die from suppression, and understory development would be limited (EA, Appendix 2). The "no-action" alternative would not provide the desirable restoration benefits of decommissioning 2.8 miles of road in the watershed. Additionally, the "no action" alternative would not contribute to the local economy.

3. Alternative 3 also meets the purpose and need in many of the same ways as the selected alternative, and would result in a slightly decreased potential of sediment delivery to streams as compared to the selected alternative. However, it was not chosen for the following reasons: 1) the economic analysis (EA, pp. 23 and 24) showed that it would cost approximately $1,000,000 more to implement; 2) it would not provide the desirable restoration benefits of decommissioning 2.8 miles of road in the watershed; and 3) the potential for sediment delivery to streams is very low with either the selected alternative or alternative 3; both alternatives are well within the thresholds described in the Salem RMP/FEIS.

4. The selected alternative will create 318 snags helping to accelerate the development of some late-successional forest structural features.

5. The selected alternative reduces road density and existing levels of compaction by removing roads that are no longer needed. At the completion of the project there will be a net reduction of 2.8 miles of road in the Scoggins Creek 5th field watershed.

6. New, temporary roads will be located primarily on stable benches and near ridgetops away from drainages, thereby limiting their potential for routing sediment and intercepting or disrupting of subsurface water. The practices of subsoiling and waterbaring the roads, after the density management is completed, will help restore their hydrologic function by increasing soil infiltration and also encourage vegetation recovery. Because the new, temporary logging roads would be outside of Riparian Reserves, any sediment from the roads would have to travel at least 180 feet overland, through a forested area before it reached water. The chances of this occurring are extremely remote.

7. The selected alternative is anticipated to have higher soil compaction levels, from designated skid roads and landings, on approximately 10 percent of the project area. This finding is consistent with the Environmental Impact Statement (EIS) for our Salem District RMP. The EIS for our Salem District RMP has linked soil compaction levels of at or below 10% to not retarding or preventing the attainment of ACS objectives.

8. The selected alternative is consistent with applicable land use plans, policies, and programs

(EA, pp. 73-76).

9. The selected alternative is predicted to result in the maintenance of the ACS (Aquatic Conservation Strategy) objectives. (EA, Appendix 5).

10. The AMA guide directs us to try new and innovative approaches for the management of the AMA. One question that the guide asks is: "What are the best operational techniques for achieving AMA objectives? (AMA guide, p. 40) The Tillamook Resource Area has decided to try a new and innovative approach to project implementation with the Scoggins Creek project. This project will be administered using a contract in which the purchaser will be selecting the "cut and leave" trees based on specifications in the contract. This type of contract is known as a "Designation by Description" contract. We will be testing and leaming from, this new approach to project implementation.

PUBLIC INVOLVEMENT

In compliance with National Environmental Protection Act of 1969 (NEPA), the proposed action was listed in the June, September and December 2000, March, July, September 2001, and April 2002 edition of the quarterly *Salem District Project Update* which were mailed to over 1,000 addresses. A letter was mailed on October 5, 2000 to 120 potentially affected and/or interested individuals, groups, and agencies (Project Record, Document #27 and #28). A presentation was also given to the Tualatin Watershed Council meeting on November 7, 2000, which was attended by nineteen people (Project Record, Document #36). A total of two letters were received as a result of this ***scoping*** (Project Record, Documents #32, #35). Two additional project non-specific letters were received on 3/28/00 and 7/11/00 (Project Record, Document #10 and #20) which referenced a number of questions located at an e-mail address. All public input was assigned a number and filed in the Project Record. The IDT reviewed, clarified, and assessed the public comments. The disposition of those comments are contained in Appendix 1 of the EA.

On December 21, 2001, a pre-decision letter, along with a copy of the EA and appendixes and a preliminary FONSI (Finding of No Significant Impact), were sent to 11 individuals, groups and agencies that had expressed an interest in the project (Project record, Document # 88). Also, a legal notice requesting public comment to the EA and preliminary FONSI appeared in the *Headlight Herald* Newspaper of Tillamook and the *Forest Grove News-Times* (Project record, Document #90). The EA and preliminary FONSI was released for public comment from December 21, 2001 to January 25, 2002. As a result of this scoping, two letters were received (Project Record Documents #96 and #97). All public input was assigned a number and filed in the Project Record. The BLM response to those comments are contained in Addendum 1 of this Decision Document, and those comments were considered by the Tillamook Field Manager in reaching a final decision for this project.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and supporting project record, I have determined that the Selected Alternative is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No

environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The selected alternative is a site-specific action directly involving 470 acres of BLM administered land, and 6.2 miles of BLM controlled road that by itself does not have international, national, region-wide, or state-wide importance. The project area does not have designated critical habitat for the Upper Willamette steelhead and Upper Willamette chinook salmon. The project area is not within designated spotted owl or marbled murrelet critical habitat nor a spotted owl RPA (Reserve Pair Area). The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter 4 of the EA details the effects of the selected alternative. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the RMP/FEIS.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

1. **Impacts may be both beneficial and adverse.** Due to the selected alternative's design features, the predicted effects, most noteworthy, include: 1/ acceleration of the development of some late-successional forest structural features on about 470 acres using density management. These activities include the development of large trees, gaps in the canopy, snags and down wood, and various levels of over story tree densities; 2/ enhancement of the overall level of diversity in the area; 3/ social and economic benefits to the local communities through the supply of approximately 6 million board feet of timber to local mills and some contract work associated with the road decommissioning project; 4/ restoration and maintenance of the ACS objectives; 5/ soil disturbance and compaction, and loss in soil productivity on about 10 acres or 2 percent of the project area, or .0001 % of the 5th field Upper Tualatin-Scoggins Creek watershed; and 6/ no loss in population viability of special status or special attention species (also see significance criteria #9 below).

None of the environmental effects disclosed above and discussed in detail in Chapter 4 of the EA and associated appendices are considered significant, nor do the effects exceed those described in the RMP/FEIS.

2. **The degree to which the selected alternative will affect public health or safety.** Public health and safety were not identified as an issue. The selected alternative is comparable to other watershed restoration and density management projects which have occurred within the Salem District with no unusual health or safety concerns.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas**. There are no historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, or wildernesses located within the project area (EA, Appendix 3).

The project area is located within the Adaptive Management Area and Riparian Reserve land use allocations, as identified in the RMP. Activities associated with the selected alternative are

predicted to accelerate the development of some late-successional forest structural features, and will contribute to the attainment of ACS objectives. Additionally, the selected alternative was determined to be "no effect " the Upper Willamette steelhead and Upper Willamette chinook salmon. (Chapter 4 of the EA)

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Extensive scoping of the EA and preliminary FONSI resulted in only two project specific comment letters. The BLM response to those comments are contained in Appendix 10 (see attachment). There were no substantive comments or evidence provided that the environmental effects of the selected alternative were wrongly predicted.

The effects of the selected alternative on the quality of the human environment were adequately understood by the interdisciplinary team to provide an environmental analysis. A complete disclosure of the predicted effects of the selected alternative is contained in Chapter 4 of the EA and associated appendices.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The selected alternative is not unique or unusual. The BLM has experience implementing similar actions in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The selected alternative does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. The selected alternative decommissions 6.2 miles of road no longer needed by the BLM and accelerates the development of some late-successional forest habitat characteristics on 470 acres of land managed by the BLM. Any future projects will be evaluated through the NEPA (National Environmental Policy Act) process and will stand on their own as to environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the selected alternative in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the selected alternative is contained in Chapter 4 of the EA.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The selected alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the selected alternative cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 4).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** No Section 7 Consultation with the National Marine Fisheries Service is required because the proposed project actions were determined to be a "no-effect" to Upper Willamette Steelhead, and Upper Willamette Chinook. Additionally, the selected alternative was determined to have no adverse impact to essential fish habitat as determined by the Magnuson-Stevens Fishery Conservation and Management Act (2000).

USFWS Consultation was completed by including the Scoggins Creek Density Management and Watershed Restoration Project in the Programmatic Consultation for North Coast Province for FY2001 Routine Habitat Modification Projects [FWS reference 1-7-00-F-649] as extended August 1, 2001, [FWS reference 1-7-01-F-1032]. See Chapter 4 and Appendix 7 of the EA for the details of the ESA effect findings for the marbled murrelet and northern spotted owl.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment**. The selected alternative does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Coastal Zone Management Act, Executive Order 12898 (Environmental Justice), and Executive Order 13212 (Adverse Energy Impact). State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the selected alternative is consistent with applicable land management plans, policies, and programs.

PROTEST PROVISIONS

In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for the Scoggins Creek Density Management Thinning (which includes both the Scoggins Creek timber sale and the Tuttle Creek timber sale) and Watershed Restoration Project will not become effective or be open to formal protest, until the Notice of Sales is published "in a newspaper of general circulation in the area where the lands affected by the decision are located." The Notice of Sales is anticipated to be published in the June 26, 2002 *Headlight Herald,* and in the June 26, 2002 *Forest Grove News Times*, newspapers respectively of Tillamook, and Forest Grove, Oregon. To protest a forest management decision, a person must submit a written protest to Dana Shuford, Tillamook Field Manager, 4610 Third Street, P.O. Box 404, Tillamook, Oregon 97141-0161 by the close of business (4:00 P.M.) on July 11, 2002. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 P.M.) Pacific Standard Time, fifteen days after the notice of sale, this decision will become final. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and a final decision will be issued in accordance with 43 CFR 5003.3.

CONTACT PERSON

For additional information concerning this decision or the BLM administrative review process, contact Carolina Hooper, Tillamook Field Office, 4610 Third Street, Tillamook Oregon 97141; telephone (503) 815-1119 or (503) 315-5927.

Approved By: Dana R. Shuford — 6-21-07

Dana R. Shuford
Tillamook Field Manager

Date